

REMARKS

The applicant notes with appreciation the acknowledgement of the claim for priority under section 119 and the notice that all of the certified copies of the priority documents have been received.

The applicant acknowledges and appreciates receiving an initialed copy of the form PTO-1449 that was filed on June 22, 2004.

The specification has been amended to remedy cosmetic defects that were noted. In addition, cosmetic defects have been remedied in claims 1 and 5.

Claims 1 – 11 are pending. The applicant respectfully requests reconsideration and allowance of this application in view of the above amendments and the following remarks.

Claims 3 and 5 – 11 are objected to for various informalities listed in the office action. Each of the informalities has been corrected by way of the above amendment. Withdrawal of the objection is respectfully requested.

Claims 7 and 8 were rejected under 35 USC 112, second paragraph, as being indefinite. The instances of indefiniteness identified in the office action have been amended. In view of the above amendment, reconsideration and withdrawal of the rejection is respectfully requested.

Claims 1 – 11 were rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1 – 7 of U.S. Patent No. 6,668,614, Itakura (“Itakura”) in view of either U.S. Patent No. 6,257,061, Nonoyama et al. (“Nonoyama”) or U.S. Patent No. 6,483,322, Aoyama et al. (“Aoyama”).

Submitted herewith is a terminal disclaimer signed by an attorney of record. The filing of the terminal disclaimer herein is not an admission of the propriety of the rejection. *Quad Envi-*

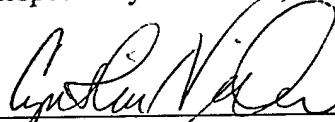
ronmental Technologies Corp. v. Union Sanitary District, 946 F.2d 870, 20 USPQ2d 1392 (Fed. Cir. 1991). The filing of a terminal disclaimer simply serves the statutory function of removing the rejection of double patenting, and raises neither a presumption nor estoppel on the merits of the rejection.

In view of the terminal disclaimer, the applicant respectfully requests that this rejection be withdrawn.

In view of the foregoing, the applicant respectfully submits that this application is in condition for allowance. A timely notice to that effect is respectfully requested. If questions relating to patentability remain, the examiner is invited to contact the undersigned by telephone.

Please charge any unforeseen fees that may be due to Deposit Account No. 50-1147.

Respectfully submitted,



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